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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/155,796	11/30/1998	TOMOHISA YAMAGUCHI	925-142P	9143

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EXAMINER

BUI, KIEU OANH T

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/155,796

Applicant(s)

YAMAGUCHI, TOMOHISA

Examiner

KIEU-OANH T BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-18 and 21-26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 27-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 22.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. Claims 1-18 and 21-26 were canceled without prejudice (paper no. 24).

Allowable Subject Matter

2. Claims 19-20 are allowed (6th notice).
3. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to suggest a video data distribution method comprising at least the steps of “wherein in the transmission level determining step, when the video data playback device plays back the video data with fast speed, the transmission level is determined in such a manner that the video data with a part of frame data thinned from plural frame data included in the video data is extracted, and when fast playback is not performed, the transmission level is determined in such a manner that the frame data of the video data is not thinned” and “wherein in the data extracting step, when the video data playback device quickly forwards and plays back the video data including plural frame data and voice data, said voice data is deleted from the video data and the number of frame data corresponding to the transmission level is extracted to generate video data, and in the transmitting step, the video data generated by said data extracting step is transmitted” as recited in claims 19-20.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 27-28, 30-31, 33-37, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. (U.S. Patent No. 6,014,693/ or “Ito”) in view of O’Callaghan et al. (U.S. Patent No. 5,477,263/ or “O’Callaghan” hereinafter).

Regarding claims 27, 34, 36, and 37 Ito discloses a video data distribution device for transmitting video data comprising a plurality of frame data to a video playback, i.e., client can receive and replay video data (col. 3/line 58 to col. 4/line 8), comprising: a data extractor for extracting frame data from the video data; and a transmitter for transmitting the frame data extracted by the data extractor, i.e., Ito clearly discloses a video data assembler for extracting data based on the load conditions (Fig. 5, and col. 3/line 43 to col. 4/line 8) in Ito’s system for delivering compressed stored video data; and a video data delivery unit 15 transmit the extracted data from the video data assembler 14 to client 2 (Fig. 5).

Ito does not further mention that the extracting frame data is performed “corresponding to whether the video data playback device performs fast playback”; however, Ito does disclose that the client can send or input their request for receiving video data (col. 7/lines 44-50), and O’Callaghan teaches that in the same video distribution system, a user can send their request by controlling the rate of delivering video, for example, either fast forward (or quick forwarding), fast reverse or pause of the distributing video signals (as shown in Fig. 9, and col. 9/line 22 to

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col. 10/line 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ito's system with O'Callaghan's technique of providing users the ability to control the delivering video data at various speeds to users/clients as taught by O'Callaghan.

As for claims 28, 35 and 39, Ito further discloses the steps of "wherein the video data is MPEG data" (Fig. 3, and col. 5/lines 50-62).

As for claim 30, the step of "wherein the MPEG data comprises I pictures and P pictures, and the data extractor generates the MPEG data with P picture deleted therefrom in accordance with a request message from the video data playback device" is taught by Ito as Ito shows when the load is high as the reference value reaches the maximum, the system will transmit only a part of the frame data, i.e., P picture deleted therefrom, if the reference value is lower, all of the frame data such as all the I and P frames can be transmitted (see Figs. 3 & 4, and col. 6/lines 28 to col. 7/lines 26). As disclosed earlier, the request message from the video data playback device is inputted from the user/client as taught by O'Callaghan.

As for claim 31, Ito discloses the step of "wherein the extractor extracts a reduced number of frames of the frame data", i.e., Ito discloses that when the load is high as the reference value reaches the maximum, the system will transmit only a part of the frame data, in other words, a reduced number of frames of the frame data is transmitted, if the reference value is lower, all of the frame data such as all the I and P frames can be transmitted (see Figs. 3 & 4, and col. 6/lines 28 to col. 7/lines 26).

As for claims 33 and 40, in further view of claim 27, Ito and O'Callaghan further teaches "wherein the data extractor changes a time stamp for the fast playback, wherein the timestamp is included in header data of the MPEG data" (Figs. 7-9, and col. 8/line 24 to col. 9/line 58 for timestamps and header data).

As for claims 41-42, these claims for "a computer program for playing back video data, the video data comprising a plurality of frame data and timestamps" are rejected for the reasons given in the scope of system claims 27-28, 31 and 33 as already disclosed above.

6. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (U.S. Patent No. 6,014,693) in view of O'Callaghan et al. (U.S. Patent No. 5,477,2630 and further in view of Dixit (U.S. Patent No. 5,260,783).

As for claims 29, in further view of claim 27 above, Ito discloses "wherein the MPEG data comprises I pictures and B pictures" (col. 5/lines 50-62), but Ito and O'Callaghan do not further show the step of "the data extractor generates MPEG data by deleting a B picture in accordance with a request message from the video data playback device"; however, Dixit shows that intra-frame compressed data I can be detected for extracting by an intra-frame encoder with B pictures involved (Dixit, Fig. 2 and col. 2/lines 4-8). Therefore, it would have been obvious to modify Ito's technique with Dixit's more details involving B pictures deletion within MPEG data in order to flexibility generating MPEG data based on the load condition processed by the load processing device as shown by Ito (Fig. 5/item 17). As disclosed earlier, the request message from the video data playback device is inputted from the user/client as taught by O'Callaghan.

7. Claims 32 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (U.S. Patent No. 6,014,693) in view of O'Callaghan et al. (U.S. Patent No. 5,477,2630 and further in view of Takahashi (U.S. Patent No. 5,739,865).

Regarding claims 32 and 38, Ito does not disclose the thinning process for frame data such that "wherein the data extractor extracts an amount of frame data by thinning frames of the video data"; however, Takahashi teaches a same technique of thinning out frame data in Takahashi's image processing system (Fig. 14 and col. 10/lines 30-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ito's system with a known technique of thinning out frame data in video or image processing system in order to automatically adjust frame data corresponding to its load condition or to the request from the client. The motivation for doing this is to manipulate frame data as much as possible for data transmission in avoiding traffic congestions or in controlling the data load processing.

Conclusion

8. The prior art of record and not relied upon is considered pertinent to applicant's disclosure.

Porter et al. (US Pat. No. 5,864,682) disclose a method and apparatus for frame accurate access of digital audio-visual information.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action (with respect to the Amendment in Paper no. 16, received 10/02/01). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

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period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday- Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
November 19, 2002



VIVEK SRIVASTAVA
PATENT EXAMINER